

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

MICHAEL THRONEBERRY, JR.,	)	
	)	
	)	
Plaintiff,	)	
	)	No.: 1:23-CV-231-KAC-SKL
v.	)	
	)	
SHELBYVILLE POLICE DEPARTMENT,	)	
	)	
Defendant.	)	

**ORDER ADOPTING REPORT & RECOMMENDATION**

Before the Court is United States Magistrate Judge Susan K. Lee’s “Report and Recommendation” (“Report”) entered on November 13, 2023 [Doc. 5]. On October 10, 2023, Plaintiff filed a Complaint [Doc. 1] and a Motion for Leave to Proceed in Forma Pauperis (“IFP”) [Doc. 2]. Plaintiff did not use the standard preprinted form for his IFP Motion [*Id.*], and he failed to submit a copy of his prisoner trust fund account statement for the previous six (6) months (or its institutional equivalent) to support his motion, as is required by law if he is incarcerated [*See* Doc. 4 at 2 (citing 28 U.S.C. § 1915)]. In addition, Plaintiff’s Complaint was substantively deficient such that Judge Lee could not screen it under 28 U.S.C. § 1915 [*See id.*]. For example, Plaintiff failed to name any defendant in his Complaint [*See* Doc. 1 at 2-3].

On October 16, Judge Lee issued an order identifying these deficiencies [Doc. 4 at 1-3]. In that Order, Judge Lee gave Plaintiff an opportunity to correct the deficiencies if he desired to pursue his claims [*See id.* at 2-3]. The Order required Plaintiff to address the deficiencies within fourteen (14) days of the Order, if he wished to proceed [*See id.*]. And the Order warned that “if an Amended Complaint and a new application (with the required trust fund account statement if he is in custody) are not timely and properly filed, this case will be dismissed for a failure to

prosecute” [*Id.* at 3 (citations omitted)]. Plaintiff failed to submit any of these documents [*See* Doc. 5 at 2].

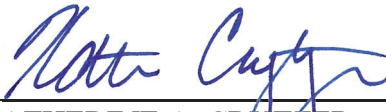
Accordingly, the Report [Doc. 5] recommends that the Court deny as moot Plaintiff’s IFP Motion [Doc. 2] and dismiss this case under Federal Rule of Civil Procedure 41(b) for failure to comply with the Court’s Order. No Party has objected to the Report, and the time to do so has passed. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

After reviewing the record, the Court **ACCEPTS** and **ADOPTS** the Report [Doc. 5] under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2). The Court:

(1) **DENIES AS MOOT** Plaintiff’s Motion for Leave to Proceed in Forma Pauperis [Doc. 2]; and

(2) **DISMISSES** Plaintiff’s claims under Rule 41(b) for failure to comply with the Court’s Order.

SO ORDERED.

  
KATHERINE A. CRYTZER  
United States District Judge